

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **FORMULATION OF ADENOVIRUS FOR GENE THERAPY**, the Specification of which:

- ☐ is attached hereto.
☒ was filed on **November 16, 1999** as Application Serial No. **09/441,410**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
60/108,606	U.S.A.	November 16, 1998	Yes
(Number)	(Country)	(Date Filed)	Yes/No
60/133,116	U.S.A.	May 7, 1999	Yes
(Number)	(Country)	(Date Filed)	Yes/No

I hereby direct that all correspondence and telephone calls be addressed to Steven L. Highlander, Arnold White & Durkee, 750 Bering Drive, Houston, Texas 77057-2198, (512) 418-3000.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Zheng		Wu
Inventor's Signature:	<i>Zheng Wu</i>		
Country of Citizenship:	USA	Date:	2/1/00
Residence Address: (street, number, city, state, and/or country)	2930 Cotton Stock Sugar Land, Texas 77479		
Post Office Address: (if different from above)			

Inventor's Full Name:	Shuyuan		Zhang
Inventor's Signature:			
Country of Citizenship:	China	Date:	
Residence Address: (street, number, city, state, and/or country)	736 Iris Lane Media, PA 19063		
Post Office Address: (if different from above)			

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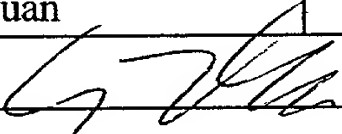
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Inventor's Full Name:	Shuyuan		Zhang
Inventor's Signature:			
Country of Citizenship:	China	Date: 1/22/00	
Residence Address: (street, number, city, state, and/or country)	736 Iris Lane Media, PA 19063		
Post Office Address: (if different from above)			

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Zheng Wu

Shuyuan Zhang

Serial No.: 09/441,410

Filed: November 16, 1999

For: FORMULATION OF ADENOVIRUS FOR
GENE THERAPY

Group Art Unit: 1649

Examiner: Unknown

Atty. Dkt. No.: INRP:067/HYL

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being an Assignee of record of an interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Louis T. Pirkey, Reg. No. 22,393; Richard J. Groos, Reg. No. 32,231; David L. Parker, Reg. No. 32,165; William G. Barber, Reg. No. 33,154; David D. Bahler, Reg. No. 30,932; Michael S. Metteauer, Reg. No. 34,875; Mark B. Wilson, Reg. No. 37,259; Steven L. Highlander, Reg. No. 37,642; Mark A. Thurmon, Reg. No. 39,858; Teresa J. Bowles, Reg. No. 40,526; Stephen P. Meleen, Reg. No. 40,724; Nicole Stafford, Reg. No. 43,929; Richard A. Nakashima, Reg. No. 42,023; Robert Hanson, Reg. No. 42,628; Gina N. Shishima, Reg. No. 45,104; Michael C. Barrett, Reg. No. 44,523; Mark T. Garrett, Reg. No. 44,699; Jonathan D. Hurt, Reg. No. 44,790; Stephen M. Hash, P-45,490; Debra L. Dennett, P-46,370; Michael O. Scheinberg, Reg. No. 36,919; J. Scott Denko, Reg. No. 37,606; Erik R. Nordstrom, Reg. No. 39,792; Patrick Stellitano, Reg. No. 42,169

each an attorney or agent of the firm of FULBRIGHT & JAWORSKI LLP, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent,

and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Introgen Therapeutics, Inc., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Steven L. Highlander, Esq.
Fulbright & Jaworski LLP
2400 One American Center
600 Congress Avenue
Austin, Texas 78701
(512) 418-3000

ASSIGNEE:
INTROGEN THERAPEUTICS, INC.

By: _____

Name: David L. Parker

Title: Vice President-Intellectual Property

Date: 3/29/02

ASSIGNMENT:

- ☒ Concurrently filed
☐ Previously recorded

Date:

Reel:

Frames: